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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,841	07/09/2007	**Charlie D. Chen**	30435159USWO	8702

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EXAMINER	
LU, FRANK WEI MIN	

ART UNIT	PAPER NUMBER
1634	

MAIL DATE	DELIVERY MODE
03/24/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/582,841	CHEN ET AL.	
	Examiner	Art Unit	
	FRANK W. LU	1634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *1* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) _____ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *1-60* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 1-20, drawn to a method of profiling a tumor/cancer in human tissue specimens.

Group II, claims 21-43, drawn to a method of screening a compound inhibits cancer cell growth.

Group III, claims 44-58, drawn to an assay kit of profiling a tumor/cancer in human tissue specimens.

Group IV, claims 59 and 60, drawn to a therapeutic useful antibody against insulin-like growth factor binding protein 2 or IGFBP2.

2. The inventions listed as Groups I to IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, profiling a tumor/cancer in human tissue specimens in claim 1 of Group I is not required for Group II while

screening a compound that inhibits cancer cell growth in claim 21 of Group II is not required for Group I.

Groups I and III do not relate to a single general inventive concept under PCT Rule 13.1 because the technical feature linking Groups I and III is not special. For example, an assay kit of Group III is not a contribution over the prior art since a kit containing antibodies agaigst HC gp-39 in US Patent No. 5,726,06 (published on March 10, 1998) reads an assay kit of Group III.

Groups I and IV do not relate to a single general inventive concept under PCT Rule 13.1 because the technical feature linking Groups I and IV is not special. For example, profiling a tumor/cancer in human tissue specimens in claim 1 of Group I is not required for Group IV while a therapeutic useful antibody against insulin-like growth factor binding protein 2 in claim 59 of Group IV is not required for Group I.

Groups II and III do not relate to a single general inventive concept under PCT Rule 13.1 because the technical feature linking Groups II and III is not special. For example, an assay kit of Group III is not a contribution over the prior art since a kit containing antibodies against HC gp-39 in US Patent No. 5,726,06 (published on March 10, 1998) reads an assay kit of Group III.

Groups II and IV do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, screening a compound that inhibits cancer cell growth in claim 21 of Group II is not required for Group IV while a therapeutic useful antibody against insulin-like growth factor binding protein 2 in claim 59 of Group IV is not required for Group II.

Groups III and IV do not relate to a single general inventive concept under PCT Rule 13.1 because they lack the same or corresponding special technical features. For example, an

assay kit in claim 44 of Group III is not required for Group IV while a therapeutic useful antibody against insulin-like growth factor binding protein 2 in claim 59 of Group IV is not required for Group III.

3. Specific Gene Election Requirement Applicable to Groups I to III

Note that, since claims 7-9 of Group I, claims 27-29 of Group II, and claims 50-52 of Group III contain a lot of genes which have different structures and different functions, Group I or II or III is divided to many different subgroups each subgroup has one or more different genes, applicant requires to select a single gene (ie., see claims 7 and 9) or/and a group of genes (ie., see claim 8) for the examination. Applicant is advised that examination will be restricted to only elected gene or/and a group of genes and should not to be construed as a species election.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

4. Papers related to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 via the PTO Fax Center. The faxing of such papers must conform with the notices published in the Official Gazette, 1096 OG 30 (November 15, 1988), 1156 OG 61 (November 16, 1993), and 1157 OG 94 (December 28, 1993)(See 37 CAR § 1.6(d)). The CM Fax Center number is (571)273-8300.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank Lu, Ph.D., whose telephone number is (571)272-0746. The examiner can normally be reached on Monday-Friday from 9 A.M. to 5 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Nguyen, can be reached on (571)272-0731.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Frank W Lu /
Primary Examiner, Art Unit 1634
March 18, 2010